
BRIEF SKETCH

OF THE

LIFE AND TIMES

OF THE LATE

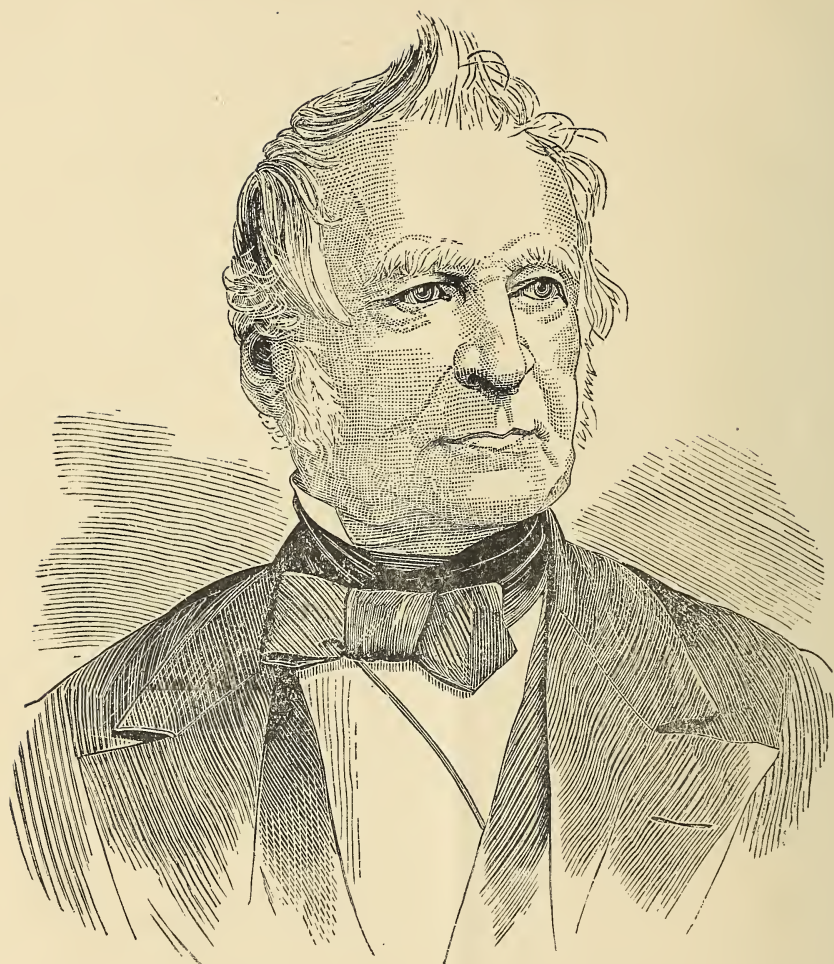
HON. LOUIS JOSEPH PAPINEAU.

BY

THOMAS STORROW BROWN.



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THE LATE HON. L. J. PAPINEAU.

[*From Dominion Monthly of January, 1872.*]

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THE illustrious patriot of Canada, Louis Joseph Papineau, whose name will remain forever prominent while her history endures, was born in the city of Montreal, on the 7th October, 1786, in one of those long, low stone-houses, then so common, on what was then little St. James street—now Nos. 54 and 56—near the top of the St. Lawrence Hill. His father, Joseph Papineau, notary public, descended from a family that had long before emigrated from Montigny, in the province of Poitou (now the Département des Deux-Sèvres), France, was a man of majestic stature, who had served with high honor many years in the Provincial Parliament, always conspicuous as a stern and foremost supporter of popular measures in opposition to the petty tyrannies of that time. His mother, of the Cherrier family of St. Denis, was sister to the mother of the Hon. D. B. Viger, and to the mother of Monseigneur Lartigue, the first Roman Catholic bishop of Montreal.

His school days were passed in the seminary of Quebec, where his name had preceded him as a boy of remarkable aptitude and promise, which was fully maintained during his scholastic term; for, as if thus early impressed with the destinies of a glorious future, and already feeling its responsibilities, he studied deep in the accumulation of knowledge as the foundation of after acquirements. Not content with devotion to the usual hours of study, he sacrificed to books those hours of recreation or rest that the frivolity of youth claims as a perquisite.

Leaving college with its highest honors at the age of seventeen, he commenced the study of law in the office of his cousin, D. B. Viger, where the same intensity of purpose of a mind singularly

clear and strong for one so young, rapidly acquired mastership of the jurisprudence of the province; and he was admitted to the bar as a brilliant light, only to pass a short time, meteor-like, through the legal precincts; for his country had already claimed him for higher purposes. While a law student, he was elected member of the Provincial Parliament by the county of Kent—now Chambly—and took his seat in 1810, entering at once the great political arena, prominent in debates, resolutions, and every bold movement, to stand shoulder to shoulder with its stoutest gladiators, then battling with the Governor, Sir James Craig, in a contest so warm that members were consigned by him to prison, while the office of their newspaper organ was destroyed by his soldiery. Such was our Government then!

In 1815 he was elected for the West Ward of Montreal, and continued by re-elections to represent that constituency till 1837.

A conciliatory policy, deemed necessary by Sir George Prevost to secure the fealty of the French-Canadians during the war of 1812, and continued by his immediate successors, allayed political asperities that had nearly driven these Canadians to be the rebellious spirits that Sir James Craig supposed them; and they proved sturdy defenders of the British flag. Among those enrolled was Mr. Papineau, as a captain of militia. It is related of him that, when conducting a portion of Hull's army prisoners from Lachine, a regimental band of the regulars struck up "Yankee Doodle," to shame the unfortunates, on which Captain Papineau wheeled his company out of line, declaring he would not countenance such insult. When reported, instead of reprimanding the captain for insubordination, the Governor commended him for his humane consideration.

Mr. Panet, who, for many years, had presided as Speaker of the Assembly, being called to the Legislative Council, all eyes were turned to the young Papineau as his successor, and the House, in January, 1815, only echoed the public voice by electing him. Young in years—in his twenty-ninth—with only four years parliamentary experience, in a quiet time, he was so matured by study and steady action for the post of first Commoner—the highest position in the gift of his countrymen—that he was preferred above all his veteran seniors; and he continued to hold that position till the end of the last Parliament of Lower Canada in 1837, by continued re-elections, sometimes unanimous, and always nearly so. The Speaker of that day, when we had no responsible Government, and no responsible minister in the House, was not a mere figurehead in a house commanded by such a minister, but a reality—the head of the commons—the first commoner—really their Speaker—to guide deliberations, defend privileges, and make their voice felt in the government of

the province. Earnest and conscientious in the discharge of duty, leaving to others the frivolities of society and care for private concerns, every thought of his life became devoted to public affairs, and to thoroughly fitting himself for his high trust in the coming storm, looming up in the immediate future like the clouds preceding a whirlwind. He held place, not for its honors or emoluments, but, rising to the dignity of position, he felt that he should be what he truly was, the grand tribune of the people; and, deeming the honor and dignity of that people to be involved in the respectability of their chief, he so maintained that dignity and respectability through all the phases of more than twenty years, that no friend had ever anything to blush for or defend in acts of his private life. His high honor always reflected honor on his supporters.

In 1818 he was united in what proved to be the happiest of marriages, with Mademoiselle Julie Bruneau, eldest daughter of Pierre Bruneau, Esq., merchant, of Quebec, and member of Parliament for that city. Superior in intellect and education and personal attractions, endowed with a rare prudence, she was through life the best of wives and the best of mothers. A true woman, neither too forward nor too retiring, a devoted companion and wise counsellor, sympathizing in every thought of her husband, his ideas were her ideas, his friends her friends. With admiration for his character, and full faith in his future, she clung closely to him during his stormy parliamentary career, followed him cheerfully in exile to endure its privations, and, when domiciled in his Ottawa retreat, she was there rejoicing in his relief from cares, and continuing to exhibit with him, as they had from the beginning, a most perfect example of all that is excellent and to be admired in every relation of married life. Happily she lived till the storms had passed away, and their sacrifices were unfelt, to enjoy a few years' quiet repose and tranquillity in their last home, where she saw the idol of her affections privileged to that rest and dignified leisure for which his soul had long yearned, with those cherished companions—the books of his favorite authors—around him. At Monte-Bello, on the 18th August, 1862, when apparently in her usual excellent health, surrounded by her children and grandchildren, she was suddenly stricken down, and after half an hour's illness, calmly her spirit winged its departure from a world that her whole life had so adorned.

With the arrival of the Earl of Dalhousie, in June, 1820, commenced a new Parliamentary era. The offer made by the Assembly in 1810 to provide for the whole civil list, always supplemented by drafts on the British treasury, had been accepted in 1818, and our Parliament was now, when there was a deficiency of £22,000 in the Provincial Chest, called upon to make good its undertaking. Though

the act of 1791, which gave to Canada an Assembly that might justly claim all the powers and privileges of the House of Commons, was mainly urged on by the English portion of our population—who had a vague notion of its powers—rather than by the French—few of whom had any notion whatever—these English, soon finding themselves in a minority, cared not for the exercise of these powers, while too many of the French, to whom the clergy had preached quiet submission for half a century, and who were all the time charged with disaffection and seditious aspirations, feared that any opposition to the whims of the Executive might give color to the charges of their opponents. Its great value with many members was its use as an inquisition for calling to account obnoxious officials, while others were satisfied in exercising their right of enacting petty laws. Other politicians were occupied with the thousand details of private affairs, of which Mr. Papineau had none. Throwing these to the winds, with his whole soul absorbed in questions of state, he alone grasped the spirit of the British constitution in its entirety, and alone fully comprehended the positive and paramount authority in many questions conferred by the act of 1791 on the Commons House of Canada. Others were supplied with only the rudier weapons of early warfare; he came fully armed and equipped in the strongest of constitutional armor, with the keenest of weapons, for the grand coming tournament—throughout which the Earl of Dalhousie figured as the champion of colonial misrule, and Papineau as the champion of colonial emancipation.

Dalhousie, acting under instructions from the Colonial Office in London, and supported by the Legislative and Executive Councils here, demanded a civil list, to be voted *en bloc*—a bulk sum, or fixed amount, payable annually for the life of the King, in accordance with British usage. The Assembly would only vote the civil list for a shorter period, by chapters and items; that is, under heads of service, with a stated fixed pay to each official, named separately. There were pluralists, sinecurists, and obnoxious persons that the Assembly sought to get rid of, as a charge upon the revenue, by not voting their pay, while the Councils, friendly to these officials, many of whom were members of their respective bodies, required the money in bulk, that the Governor might in the distribution continue the pay of all. The Councils pleaded British practice; the Assembly denied the analogy; the Commons of England always held many checks against the Executive. Here, with an irresponsible Council to command, and no responsible ministry to be controlled, the Assembly would surrender all its strength should it surrender direct control over all expenditures. Year after year, for a dozen years, came the same demand from the Governor, and the same action on

the part of the Assembly ; but some expedient was usually devised to bridge over the dispute and pay the officials. The Assembly claimed control over all the revenues of the province. The Governor denied their right of control, except to a portion. Then there were irritating side issues. There was a "Trade Act" for regulating certain commercial matters, and a "Tenures Act" affecting the holding of land passed against every principle of right (where a local parliament exists) by the British Parliament. The Receiver-General, Sir John Caldwell, was, in his refusal to render accounts, defended by the Governor, till his defalcation of more than £100,000 was discovered. There were charges against other officials, and smaller disputes in which the Assembly triumphed in the end ; but concessions coming tardily, when they could be no longer withheld, and when new grievances were rolling up in magnitude, gave small satisfaction. There is truth in *Bis dat qui cito dat*, and he who, on the contrary, gives tardily, only half gives. Between the Assembly and Legislative Council there was perpetual altercation. Our present upper houses approve of bills sent up by the lower, as a matter of course. The Council of that day disapproved as a matter of course ; and this continued obstruction to legislation chafed the people to fever-heat. More than three hundred bills passed by one house, were rejected by the other.

In 1822, Mr. Edward Ellice, unknown to the people, have rushed a bill through the British Parliament, for uniting the two provinces of Upper and Lower Canada, had not Mr. Parker, a retired Canadian merchant, not for any love for Canada, but in mortal hate to Mr. Ellice, for some old trick in trade between them, caused an opposition to be made, which gave time for Lower Canada to depute Mr. Papineau and John Neilson to London, with the signatures of sixty thousand people, and on their representations, aided by Sir James Mackintosh and Sir Francis Burdett, the project was abandoned.

In 1828, when grievances had gone on for years accumulating, a deputation from the Assembly, with the petition of eighty thousand persons, proceeded to England to bring the whole question before the British Parliament, which named a very able committee, whose report admitted the rightfulness of our Assembly's pretensions, and recommended general redress, but left the carrying out to His Majesty's ministers, who never waked up to the necessity of decisive action till roused by the fusillade of St. Denis and St. Charles. All remaining as it was, the whole body of grievances were, in 1834, rather expanded than reduced in the Ninety-two Resolutions, which remain as the historical record of Government abuses.

Things meaningless and valueless, and simply irritating, were

deemed by the Executive, in these years, necessary for the safety of his Majesty's government. A subservient Quebec grand jury found bills, only to be abandoned for their folly, for seditious writings against that stern old Scotchman, John Neilson, and Charles Mondelet (now judge). Mr. Papineau, elected Speaker, was rejected by the Earl of Dalhousie—a supremely ridiculous act. The Assembly persisting, he was compelled to leave the province, and Sir James Kempt was sent to approve the choice with a ready-made speech for the opening of Parliament, prepared for him in London, and sent out to be delivered here. Doctor Tracy, of the *Vindicator*, and Mr. Duvernay, of *La Minerve*, in 1832, were imprisoned by the Legislative Council for calling that body “a nuisance.” One of the honorable members charged the Assembly with attempting to establish a republic, and arraigned the whole mass of French-Canadians as traitors. Such men as Bourdages, Vallieres, Quesnel, Viger, Papineau, Rolland (afterwards Chief Justice), and others of note, were dismissed from militia offices (then only existing on paper) for creating disaffection among the people by their language. All these, and many other paltry things, perpetrated from month to month for twenty years, recoiled back on their authors by disapprovals from England, which followed consecutively, so that the party of progress, always enraged at some new injustice, were always in triumph for victories gained over the old. All this kept the population in a condition of chronic excitement; hatred and bitter language found everywhere expression, and every element of civil war divided and distracted society.

Some littlenesses will creep in everywhere; but on the whole the Assembly, basing their position and demands upon fundamental principles of British freedom, were respectable throughout the long contest, which can hardly be said of their opponents. It is difficult to-day to conceive how so many years could have been occupied, and public business impeded, by puerile subterfuge, deceits, delusions, and procrastinations.*

The appointment of Lord Gosford Governor-General in 1835,

* The late Mr. Jacob Dewitt and I met no end of obstacles in the small matter of procuring a charter for our City Bank. In the first year the bill was lost. In the second it passed both houses; but was reserved for his Majesty's pleasure. Six directors of the Bank of Montreal and Quebec branch were in the Council. About a year afterwards a lady wrote me that her husband, then in London, had requested her to inform me that the bill had been returned with approval. Our Parliament being in session, I wrote to Mr. Dewitt to move for the dispatch. He replied, that he could not, as in answer to a recent address for *all* dispatches received, the Governor had, as he declared, sent them down, and there was nothing about the bank. I again urged him to move, regardless of usage. He did so, and down came the bill, approved, except in a useless clause about a forgery, that Parliament struck out, and thus our second bank got its charter, 1833.—T. S. B.

to act with two other incompetents, as a commission to inquire into our grievances, after seven years' neglect of the British Parliamentary report, and which our people had through their Parliament reported over and again, was entirely outside the law, and one of the most impudently stupid devices ever planned as a make-shift to amuse away time. Gosford, cunningly hiding his instructions, and pretending to have great power for redressing grievances when he had none, making himself peculiarly pleasant with the Canadian ladies of Quebec, and cajoling their husbands, had drawn several leading men from their party allegiance, when that mad-cap, Sir F. B. Head, Governor of Upper Canada, gave publicity to the instructions under which he was to act, and which, on the main points, being the same as Gosford's, and quite contrary to his pretensions, showed that he had been acting the part of a silly dupe to his own good nature, or a cunning trickster in the game of others. The work of the Commission, as known from the beginning, was nought, and when published was thrown aside as rubbish. A "*Times* Commissioner" would have produced more effect.

The session of Parliament meeting in September, 1836, was opened by Lord Gosford with a speech, vague and meaningless, except in showing that no determined attention had been given by the Colonial Office to Canadian complaints. This could be endured no longer. Fourteen years of neglect, procrastinations, prevarications, and delusions, carrying trifling beyond all limits, had exhausted all patience, and the Assembly, rising in their dignity, in the name of an insulted people, replied to the address (3d October, 1836) that they should adjourn their deliberations until his Majesty's Government should by its acts commence the great work of justice and reform; until grievances were in progress of redress, they would listen to no demand for supplies. This Parliament was prorogued at the end of thirteen days—not one bill having been passed.

Government was thus left for the fourth year without a vote of supplies; and public officers remained unpaid, though there was £130,000 in the Provincial Chest, which led to the resolutions of Lord John Russell, then Colonial Secretary, in March, 1837, enabling Lord Gosford to pay off the arrears without waiting for a vote of the Assembly. These resolutions, though carried by a strong majority, were never acted on, as Lord John, frightened at the wretchedness of his own expedient, dropped the resolutions in June, and obtained a vote to pay arrears out of the Military Chest, to be repaid by the Province thereafter. Thus all the offense, if any there be, in the general agitation of 1837, and the so-called rebellion, must rest at the door of Lord John Russell. Knowledge of these resolutions, presented on the 6th of March, only reached Canada—there

being then no ocean steamer—in the middle of April, to be met by a storm of indignation that roused the Province from end to end in mass-meetings of whole counties, organization of political committees, speeches, and hot discussions. No one could foresee that Lord John was to break down in a scare, frightened at himself, and when the news did come that the resolutions were abandoned, though the more sedate remained quiet, the more ardent and the young continued the agitation till November, when warrants for high treason and general arrests brought old questions to an end. There is a momentum in the impulse of masses that can not be suddenly arrested.

Though the word is familiar to us, future historians may hardly admit that there ever was a Lower Canada rebellion, and the whole record may be reduced to read that the proceedings of the Colonial Office, in 1837, caused such excitement that towards the end of the year Lord Gosford, fearing a revolt, directed the Attorney-General to obtain warrants for high treason against several leading men, which the judges, there not being sufficient grounds of action, would not grant; and recourse was then had to the weak instrumentality of two magistrates. Many arrests were made of persons against whom there was no charge; many escaped them by going to the United States. Three persons only—Doctor Nelson at St. Denis, T. S. Brown at St. Charles, and Doctor Chénier at St. Eustache—headed resistance to these illegal warrants, which ended speedily in the dispersion of their adherents. Elsewhere, men were quietly pursuing their usual course of life, employed in their usual occupations.

The Parliament of Lower Canada met for the last time on the 18th August, 1837, only to receive an unsatisfactory speech from Lord Gosford, replied to in a tone still more decisive than to that of the previous year, and be prorogued.

This narrative, necessary in this place for the information of the common reader of the present generation, exhibits a contest between practical despotism and popular rights, small in its sphere, but as great in principle as though the millions of an empire were in the struggle. To repeat what is before said, Great Britain by the act of 1791 had established in Lower Canada a Lower House, or Commons House of Assembly, invested with the attributes of the British House of Commons. But little appreciating these powers, the members had for thirty years, nearly the whole time, submitted to the dictation of the councils and officials, acting by their always convenient tool—a military governor; and it was only when Mr. Papineau, arrived at man's estate, became their teacher, that they began to understand their own powers and consequence. They could discuss, deliberate, and vote; but, through a council, the Governor

opposed a veto to every act not pleasing to these dignitaries; while Colonial Ministers in London, to whom complaints were always carried—conceding as rights things often refused, and constantly refusing rights when first asked; often false and always wavering, with neither the wisdom to concede gracefully to the people undeniable rights demanded through their representatives, nor courage to maintain to the end their officers who opposed them—kept the parties in the position of two wrangling litigants in court, continually appealing to a judge, who, restrained by law from deciding against one and by policy from deciding against the other, is too cowardly to decide for either. Though Lower Canada was the seat of hostilities, the war was Pan-colonial—each colony interested in an issue that was to determine the question of government for all.

In a resolution adopted in 1836 (47 to 6), the Assembly said that “the House had been greatly encouraged by the hope and expectation that any ameliorations in the political institutions of this Province would be followed, *of right*, by similar advantages to our brethren inhabiting sister colonies.” In an official letter from Mr. Speaker Papineau to Mr. Speaker Bidwell, of Upper Canada (15th March, 1836), he says:—“To whatever extent the blessings of a just, cheap, and responsible system of government are obtained by us, to that extent and amount will the inhabitants of British North America participate in the same blessings.” Prophetically was this written. Immediately on the concession of popular government to Canada, it was conceded to British colonies round the circle of the globe, and all should reverence the memory of the great champion who won their battle. Another of his prophecies occurred during a warm debate in the Assembly in 1834. He said:—“My honorable friend boasts of his attachment to monarchy, and thinks it can be perpetuated on this continent. I will venture to say to him that instead of Europe giving kings and kingdoms to America, the day is not far distant when America will give presidents and republics to Europe.”

Whatever may have been the power or the usefulness of minor lights, Mr. Papineau was the great luminary and representative man of his time, and recognized as such by contemporaries; his name, like the names of representative men in the world's early history, will go down as a personification or embodiment of progress in the science of government in our day.

Entering Parliament an elegant young man, scrupulous in his attire, bringing the prestige of his father's popularity and his own repute, standing about five feet ten inches in height, broad-chested, finely moulded, a handsome face, eagle eye, magnificent voice,

and commanding presence, he could early assume a superiority that all conceded. His salary of one thousand pounds per annum was accepted, not as the wages of parliamentary duties, but as the provision for one devoting himself to public concerns, whose position should be pecuniarily independent. On one half he maintained and educated his family; the other half, with little thought for prospective private requirements, was expended in aid of an ill-supported liberal press, and those numerous public calls of which public men who have not their hands in the public treasury, know the cost. The independence of economy and self-denial enabled him for years to refuse the acceptance of his salary, offered against law by the Executive, and his noble wife bore with him many privations at home, of which, for the honor of his party, no outward sign was visible. The bar and its emoluments he had abandoned. His seignior, entirely neglected, produced no revenue.

In all reforms there are partisans who from time to time find excuses for walking no longer with their brethren. Some are satisfied with gaining their own one point; others are satisfied with small concessions; some are coaxed or cajoled away or purchased; and others, quailing at new obstacles in the onward march, are arrested by sheer timidity. The Canadian struggle exhibited examples of all. Year after year produced its deserters; and towards the end, Mr. Papineau found his strongest opponents among the men who had been the first to urge him onward. But nobly was he supported by the great body of his countrymen, who returned him at every new election by stronger and more determined majorities.

Fresh obstacles and perplexities only nerved him to greater effort; threatening intimidations, to more courageous action; flattering seductions, to greater scorn for those who offered them. An orator of the highest order, exceeding in eloquence all his compeers, his voice, that carried conviction when it thundered in the halls of Assembly, echoed with equal power in every parish of the province.

Fourteen years of consistency—always spurning palliatives, always demanding for the government of colonies the undeniable rights of British subjects to their fullest extent—were not without their fruit. With implicit and unquestioning confidence, his will became the supreme law of his party, numbering three-fourths or more of the people of the Province. His dictatorship may be seen in proceedings of the House of Assembly, and those of primary assemblages of the people, and in those of political committees, either casual or parliamentary—all of which was public at the time, and much remains on record. For what may be here found his memory is responsible, and for no more.

In the so-called Rebellion, his responsibility was only that of one

among the many. The people, educated by him to a consciousness of their right to a government giving them the control of their own affairs, had become bold in their determination to accept nothing less, and he in 1837 had become less a leader than one marching with or impelled by them. Nothing with him was hidden or private. For his public teachings only was he responsible; and what were they? They may be found in the published speech made by him at the great meeting of the county of Montreal, in May, 1837, and speeches at many county meetings held in that year, ending with the meeting of the five counties at St. Charles, on the 23d October. From hence to below Quebec, east and west, county meetings were held, and the roads he traversed from parish to parish were thronged with the populace; houses by the way-side were draped with flowers and flags; miles in length of men on horseback and in carriages escorted his march. But they were peaceful ovations; there were few symbols of war, and multitudes gathered round when he spoke, listening for hours to his eloquence; and what were his teachings? The people were exhorted to continue firm in support of their representatives in Parliament, with a new instruction to promote non-intercourse with Great Britain, by ceasing as far as possible from the use of her products, and to abstain as far as possible from the use of all duty-paying articles, to diminish by such sacrifices a revenue that was only paid to be stolen. The world would then see the earnestness of their determination, and the British people be aroused to the danger of longer neglecting their remonstrances. This, with all right and justice on his side, he deemed sufficient to insure in the end the desired results; never advocating armed resistance or sanctioning arming or military preparations. At an important meeting of the principal men of his party, held in a previous year, one of the greatest influence (he soon after went over to Lord Gosford), who proposed as the most effectual measure of redress the purchase of twenty thousand stand of arms, was at once put down by Mr. Papineau. In the summer of 1837, he severely reprimanded the writer of this article for making quiet inquiries in New York about the purchase of muskets. With the organization of the "Sons of Liberty," whose daring proceedings tended so much to bring on the final crisis, neither he nor any man of long prominent political standing, or member of Parliament, was concerned. The young men, rank and file of the party in Montreal, tired of the timid councils of the older, organized, not so much for immediate action as for the future defense of their political chiefs, who dreaded precipitancy and indiscretions, and few offered any encouragement; though recognition was forced upon them when it reached a sudden importance, and was hailed by the popular voice as a new power.

The organization was in two divisions—one political, with president and the usual officers; the other military, under six chiefs of sections; and the writer of this article, who wrote their manifesto, on which the warrant for high treason against him is supposed to have been founded, was elected their general. When their last meeting (6th November, 1837) led to riots, political arrests, and martial law, Mr. Papineau left the city for the Richelieu country, where Dr. Wolfred Nelson, independently, on his own responsibility, had determined on armed resistance to the warrant sent for his apprehension. By the merest of accidents, the writer of this arrived a week later, also independently, without consultation with any one of note, to establish a camp at St. Charles, as a rallying point of safety. Mr. Papineau was present at both places; at St. Charles only twice, where he only stopped a short time when passing, merely as a looker-on. He remained at St. Hyacinthe till after both camps were dispersed, when he retired across the lines to pass the winter in Albany. A warrant for high treason had been issued, and one thousand pounds offered for his apprehension.*

In 1839, Mr. Papineau visited France, where he remained till 1847, in quiet life, devoting himself to studies that were made most interesting by the intellectual treasures at his command, especially in all things relating to the earlier history of Canada, and to the society of congenial spirits, who so abound in Paris. A *nolle prosequi* in his case was, unsolicited by him, entered in the court of Montreal in 1843,† and rightly, too; for the information and proceedings on which a warrant for his arrest had been issued, and one thousand pounds reward offered for his capture, must have been contemptible in the extreme. The whole record would be interesting for publication now; but it was removed from the archives of the court here, and possibly destroyed by those who saw the shame such outrageous proceedings brought upon their party.

* Landing at St. Charles on the 18th November, I had not seen or heard of Mr. Papineau for two weeks, and knew nothing of his whereabouts, when, by a singular coincidence, I met him and Doctor Wolfred Nelson on the bank. They were from St. Denis, and at that exact moment were passing up to St. Mathias. He visited me after I was established; but neither counseled nor advised, for I wished him to be free from all implication with what I supposed would be a general uprising of the people, that he could neither arrest or control, and in reserve for negotiations with the authorities, that I thought would follow. When parties, with whom I had no connection, organized an invasion of Canada in the winter of 1838, I went to Albany purposely to learn his opinion, and found that all was done without his concurrence or knowledge or approval. I found him, moreover, surrounded by personal friends of President Van Buren—the then rulers of New York—who, determined on the enforcement of neutrality laws to prevent misunderstandings with Great Britain, were directly opposed to such movements.—T. S. B.

† T. S. Brown and E. B. O'Callaghan were included in the same motion.

This left him in law precisely where he stood before the proceedings against him were instituted. Here was an acknowledgment that there had never been grounds of action. There was nothing to pardon, nothing to require amnesty. He had been driven into exile, with a price upon his head, only to be told at the end of six years that the authorities were all in the wrong. Though free to return to the country when he pleased—safe from molestation—he only came four years afterwards. Four years of salary as Speaker of the old House of Assembly, which in past years he refused to accept from the Governor, stood at his credit in the books of the Province, and was of right paid to him.

Called again to public life by election to Parliament for the county of St. Maurice in 1847, and afterwards for the county of Two Mountains, he found himself alone in the House, and without a party. The Assembly he had commanded was composed of gentlemen sacrificing self and disinterestedly working for their country's liberties. The House he singly entered was composed too much of "professionals"—all self—contending for prizes and public purses. He who had predicted that America would give republics to Europe, could ill endure what he considered a bastard offspring of monarchy taking growth here. Led by books, he was, in early life, an open admirer of the British constitution, till observation of its practice disgusted him with the fictions in its working. Instead of three estates of theory, he had seen, previous to the Reform Bill of 1832, the monarchy and the multitude, practically, almost annihilated by an oligarchical supremacy; and from that date, the waves of the multitude gradually encroaching on "king" and "lords" to a threatening of their entire extinction. The constitution of the United States was to him the perfection of human wisdom, and the essence of the British idea of freedom, or "constitution," stripped of its excrescences, practically developed in the only fit form for American communities: and in his sincerity and singleness of purpose, he could tolerate nothing dissimilar for Canada.

Small reasoners have spoken of Mr. Papineau as one possessed of no administrative or practical ideas of government, but a turbulent orator, impracticable and obstructive, excelling only in opposition or the work of demolition, and incapable to construct or to improve.

On the contrary, making the science and philosophy of government the study of his life, and watchful of its workings everywhere, he was—though perhaps before the time for Canada—admirably fitted to construct and direct; but before erecting a new edifice the rubbish of the old was to be swept away down to its foundations, as it was in 1843. Determined to obtain for the people and their Parliament all their rights as British subjects, he sought to demolish

the little clique of officials who had usurped the patronage and powers of government, and on principle opposed all palliative measures of expediency that might, by satisfying many, give permanency to things as they were, and prolong or perpetuate the existence of a system that could never work for good. With his hand to the plow, he looked not back, nor to the right or to the left, but straight onward, where the furrow, opening the new, and burying the old, should be laid; and determined in his purpose, nobly supported by his countrymen, contented to labor and to wait; he only asked in the beginning, and continued to ask, what in the end was cheerfully conceded by Great Britain to all her colonies.

To appreciate the magnitude of reform for which the subjects of Great Britain are indebted to this iron will and undaunted determination, the present generation must be told of British colonies scattered everywhere upon the earth's surface, each with a so-called constitutional government, composed, as modeled upon the home system, of an "Assembly," to correspond with the "Commons;" "Legislative Council," to correspond with the "Lords;" and some old military officer as Governor, to correspond with the "King." In theory this was a free government, but in early days the garrison was law to a colony as it is to-day to a village, and the people willingly permitted Governors, mere puppets in the hands of councillors and officials, to rule as arbitrarily as the Governor of a Spanish dependency, who was "*Jeneral de los Reales Exercitos, Gobernador politico y Militar de la ——— y sus Provincias, y Gefe de la Real Hacienda.*"*

With the increase of population, wealth, and private interests, the people had become everywhere restive under this domination, supported as it invariably was by the officials of the Colonial Office. Emancipation, and the free exercise of Parliamentary powers, and a deliverer, were required. They were found in Mr. Papineau and the people of Lower Canada, who so unflinchingly confided in his leadership. It was a curious anomaly to see Britons, to whom freedom is a traditional inheritance, indebted for their birthright to the descendants of Frenchmen, whose political memories went back to no government but one the most absolutely despotic.

Such was the government found by Mr. Papineau in 1818. A Governor sent out from England to be the instrument of a body of officials, appointed by the Crown for life, and responsible to nobody, affiliated with a Legislative Council or Upper House of Parliament, appointed in the same manner, composed in part of the same officials

* "General of the Royal forces, civil and military Governor of (some city) and its Provinces, and Chief of the Royal Treasury."

who ruled the Province, regarding the popular branch as of little more consequence than a mob meeting on the market-place to pass resolutions. Its control over only a portion of the revenue was admitted, and the Council sought to dictate the mode in which even this portion should be voted.

When left in 1837, nearly every right claimed by him with unwavering pertinacity for the Assembly, had been conceded, though ungraciously, and dribbled out by fractions from year to year; the Council itself only remaining as an obstruction, for the removal of which a Council elected by the people had been for five years demanded.

But his triumphant victory over misrule of the past was only acknowledged during his exile, when the colonial administration which had so long fastened colonial privileges to the mast-head, above the reach of the people, let all down by the run, to be scrambled for by them. Those who succeeded Mr. Papineau founded our present system of "Responsible Government," which he looked upon with contempt and disgust, as a shabby imitation of Old World machinery; and he entered the new Parliament to please others; for while he could not conscientiously approve what had been done, he did not think the time come for disturbing what had been accepted by the people.

Of all men, a philosophic democrat sees most clearly the necessity of curbs on democracy, such as the constitution of the United States seeks for by separating powers that are legislative; powers that are judicial; and powers that are executive; and further in the construction of the legislative power. Each member in the Lower House represents, and is responsible to, one of the small districts, each containing an equal number of inhabitants, into which the whole country is divided. The Senator is one of two who represent a State, large or small, without regard to population, whether it be counted by hundreds of thousands or millions. The President, voted for by the whole people, represents the nation. Legislative and executive powers are not jumbled by "ministers" in the House, to dragoon the representatives of the people, who are thus left free in their deliberations, the heads of departments being mere executive subordinates of the President, in carrying out the laws, and responsible, not to the legislative power, but to him. Here is check upon check, the greatest of all being the veto power of the President, which is simply conservative, to suspend; for if obstructive, there is a remedy in the next election.

Our Dominion is governed by ideas that are European, existing in vigor here, while they are wearing away in their place of birth;

but it requires a smaller prophet than Mr. Papineau to foresee that when the American-born part of our population begin more generally to think for themselves, there will fall from their eyes those scales that hide the fact that our assumed monarchical government, having little of monarchy in it beyond the gold-lace of ministers, and certain flunkeyisms, are an unbridled democracy headed by the leader of the Commons, that may end in "Rings" compared to which the late Tammany Ring was but a plaything.

The English-speaking population, with the exception of the Irish Roman Catholics, who usually voted with the French, were nearly as united in supporting the Governor and Council as the French were in their opposition. They had also their continued public meetings from month to month, and year to year, their associations, their manifestoes, and their resolutions; and they also sent their agents to London to oppose those deputed by the French. City elections were seasons of open war between the parties, turmoil and bloodshed. Much appeared on the surface illogical in all the proceedings of the English, for underneath was the unseen impetus of instinctive dread of French supremacy, the dangers of which many may now think were not over estimated. Singular are the sequences of party strife. The same conservative English party that, before the union of the two provinces, literally carried war to the knife against the French, became after the union those steady allies that so completely elevated them to supremacy; for, now alarmed at Upper Canada liberalism, they aided the French in making Government under the Union an impossibility, and forced on Confederation, by which old Lower Canada has become the French Province of Quebec, where, if we may credit some alarmists, an English Protestant may be as powerless, politically, as a Jew in Rome or a Christian in Constantinople.

Leaving concerns of state in 1854, Mr. Papineau, at the age of sixty-eight years, commenced a work for his own enjoyment. The seigniory of *Petite Nation*, fifteen miles wide on the left or north bank of the Ottawa, and fifteen miles deep, purchased by him about the year 1816, from his father, possibly with the foreshadowing of dignified retirement, had remained useless and unproductive—not one-fourth being occupied by inhabitants—till now, when complete abstraction from public affairs gave him the required leisure, at the end of nearly forty years, to attend to his own; and giving scope to a long-cultivated ideal, most beautiful was made his last dwelling-place among us. The passenger proceeding up the Ottawa, when a little above L'Original, sees before him at the end of a ten miles stretch of the river, a large quadrangular edifice, with

high towers at the angles, built on a slightly elevated wooded point, after the fashion of a French *chateau*. This was the hospitable home where friends were made welcome as the day; and around are gardens and flower-beds, brilliant and fragrant, while through an adjoining park of five hundred acres in natural forest, cleared beneath, run miles of driving roads and foot-paths. Here, at this imposing abode, so perfected as his last work, with his daughter, his son and daughter-in-law, and his son-in-law, and all his grandchildren around him, and apparently in the enjoyment of his usual robust health, he was suddenly called away at near the close of his eighty-fifth year.

Accustomed to imprudent exposure in all weather, on Thursday, the 14th of September last, though troubled with a slight indisposition, he went out in dressing-gown, slippers, and bare neck, on a frosty day, to give directions to some laborers on his grounds. Chills followed soon, and congestion of the lungs set in, with oppression and difficulty of breathing. On Monday (18th) the family were collected, with a physician from the city. By this time the oppression became so great that, for five days and nights, unable to recline in bed, he sat in chairs, nearly without sleep, changing frequently from one to the other; but never was the philosopher and giant spirit more conspicuous! His mind perfectly lucid, his courage and self-possession complete, without effort, with absolute calm, he spoke of the fatal issue soon coming to mock the kindness, skill, and care of those attending. He explained minutely the intentions of his will, drawn by his own hand some years previous, and counseled his children with lessons of love, leniency, equity, and good-will in all the relations of life, to make them happy here and resigned to depart from this world when their allotted course was run, and death, the good and normal termination of our days, opened the gate to an unknown but not to be dreaded future career, prepared by the all-wise and all-good Creator of the Universe. Taking his prescribed medicine, he would say with a smile, "All this I must do to satisfy the doctor; but he knows, as well as I do, that it is of no use." Seldom taking nourishment, he preferred helping himself to asking of others; patient and kind, he thanked them smiling for every little attention, and displayed a quiet strength, without one moment of physical or moral faltering. His chair drawn to the window, he gazed upon his grounds and trees tinged with the brilliant tints of autumn, and calmly said, "Never again shall I see my garden and my flowers." His only allusion to politics was when an opiate had been administered, after six waking days. Waving his arm to the wall, he exclaimed, "There is an appeal in favor of the poor Irish!" and shortly after, "What a stupid thing

for me to be sick here while such tremendous events are occurring, and the affairs of England and France are so entangled."*

At half-past eight on the evening of Saturday, the 23d of September, 1871, he called the doctor to be alone with him, and taking his hand, said:—"Everything that science and the kindest care and attention could do for me has been done; but to no use—adieu, my dear doctor." Half an hour after, his head was thrown back on his chair, with a deep sigh, and the brave, great spirit had fled. The heart, that had for some years suffered derangement, suddenly ceased to beat—the most painless of deaths possible.

In the vault of a pretty private chapel, upon a knoll near the mansion, the remains of this purest of patriots are deposited with those of his father, his wife, and a son. To this thus consecrated shrine distant eyes will be turned, and pilgrimages be made.

The historian of years coming will tell of a remarkable French-Canadian, prominent above all in his time, of eagle-eye and noble presence, serious and learned beyond his years, entering Parliament as one stamped to be the political chief and regenerator of a people, incorruptible and devoted, endowed with a force of mind not to be surpassed, a hatred of oppression, a love for his constituents of every origin and creed—who could be neither enticed by promises nor shaken by threats, and who was honored even by enemies for pure blamelessness in private life, consistency, unyielding integrity, extensive knowledge, talents as a statesman, and power as an orator—a mortal privileged to command, ranking among the most illustrious of his age, the grandest figure of a constitutional epoch, distinguished for every moral, social, and domestic virtue—a philosopher and philanthropist, uniting the erudition of a man of letters with the urbanity of the most accomplished gentleman, delightful in conversation on every subject, a Bayard *sans peur et sans reproche*—one who from a height surveyed the whole political field, and always saw the sun behind the clouds—a master mind expressing itself with equal ease, elegance, and energy in English or French, grave, dignified, and senatorial, carrying with it the Parliaments in their sessions, or the people when met in their primary assemblies; and then will be repeated the story of a prolonged life, honored and glorious, as sublimely tranquil in its decline as it was brilliantly tumultuous in its rise.

* With strong sight, never requiring glasses, Mr. Papineau kept by his bed-side a candle and matches, which he lighted to read when he wakened at night. The following list of books found upon the table at his death exemplifies the eclecticism and Catholicity of his thoughts and study:—"Life of Washington," "Life of Jefferson," "D'Alembert," "Thoughts of the Emperor Marcus Aurelius," "Dictionnaire des Contemporains," "Dictionnaire Généalogique," "The Holy Bible," "Poetry of Horace," "La Flore Canadienne," "Imitation of Jesus Christ," "Histoire des Gaulois," "Works of Seneca," the last numbers of the "Westminster," "Quarterly," and "Edinburgh" Reviews.



